

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 12

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WALTER KOENIG

Appeal No. 1997-1164
Application 08/279,304

ON BRIEF

Before URYNOWICZ, HAIRSTON and DIXON, Administrative Patent
Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1
through 8.

The disclosed invention relates to a liquid crystal
optical display.

Claims 1 and 2 are illustrative of the claimed invention,

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and they read as follows:

1. An optical display, comprising:
 - (a) a sheet of polymer-dispersed liquid crystal;
 - (b) lighting means for off-normal illumination of the sheet; and
 - (c) different-colored filters, adjacent the sheet.

2. An optical display, comprising:
 - (a) liquid crystal material which can be placed into
 - i) a transmissive state, by application of an electric field; and
 - ii) a reflective state, by reduction of said field; and
 - (b) color filters, of different colors, through which light reflected in paragraph (a)(ii) passes.

The references¹ relied on by the examiner are:

Nagase	3-166515	July 18, 1991
Kashima et al. (Kashima)	5-196940	Aug. 6, 1993

Claims 2 and 4 through 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nagase.

Claims 1 through 3, 7 and 8 stand rejected under 35

¹ Copies of the translations of the Japanese patent publications are attached.

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U.S.C.

§ 103 as being unpatentable over Nagase in view of Kashima.

Reference is made to the briefs and the answer for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will sustain the 35 U.S.C. § 102(b) rejection of claims 2 and 4 through 6, and we will reverse the 35 U.S.C. § 103 rejection of claims 1 through 3, 7 and 8.

The optical display of Nagase (Figures 1 and 6) uses a polymer dispersed liquid crystal material 24 (translation, page 3) that can be placed into a transmissive state by application of an electric field, and into a reflective state by reduction of that field (translation, pages 7 and 10). The optical display in Nagase has red, green and blue color filters 16R, 16G and 16B, respectively, through which the reflected light passes. Thus, the 35 U.S.C. § 102(b) rejection of claim 2 is sustained because all of the limitations of this claim read on Nagase.

The 35 U.S.C. § 102(b) rejection of claims 4 through 6 is sustained because appellant has chosen to let these claims

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stand or fall with claim 2 (Brief, pages 13 and 16).

According to the examiner (Answer, page 3), Nagase discloses all of the limitations of claims 1 through 3, 7 and 8 except for an edge lit or off-normal light source. Kashima discloses a panel backlight that locates a linear light source 4 in close proximity to an end face of a transmissive plate (translation, pages 15 and 16). The examiner concludes (Answer, page 3) that "it would have been obvious to one of ordinary skill in the liquid crystal art to substitute the edge light source of Kashima et al. for the light source of Nagase to have small size, uniform brightness and high efficiency." None of the advantages ascribed to edge lighting by the examiner can be found in the teachings of Kashima. More importantly, Kashima does not express any advantages of edge lighting over other forms of lighting. In summary, we agree with the appellant (Brief, pages 17 and 18) that the examiner has not established a prima facie case of obviousness of claims 1 through 3, 7 and 8. As a result thereof, the 35 U.S.C. § 103 rejection of claims 1 through 3, 7 and 8 is reversed.

DECISION

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The decision of the examiner rejecting claims 2 and 4 through 6 under 35 U.S.C. § 102(b) is affirmed, and the decision of the examiner rejecting claim 1 through 3, 7 and 8 under 35 U.S.C. § 103 is reversed. Accordingly, the decision of the examiner is affirmed-in-part.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED-IN-PART

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STANLEY M. URYNOWICZ, JR.)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
KENNETH W. HAIRSTON))
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
JOSEPH L. DIXON)	
Administrative Patent Judge)	

KWH:hh

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